

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

These amendments remove the specific dollar amount and effective date of the pharmacy professional dispensing fee while indicating that the fee shall be set by a fee schedule determined through surveys of dispensing costs. The amendments also rescind an obsolete paragraph pertaining to the dispensing fee that is no longer in effect.

Removing the specific dollar amount and effective date of the pharmacy professional dispensing fee, while following the legislative requirement to set the dispensing fee based on a cost of dispensing survey, allows more efficient implementation of the established dispensing fee. The dispensing fee will be determined by the Department based on a survey conducted every two years beginning in SFY 2014-2015. The amendments indicate that the fee will be set by a fee schedule determined through surveys of dispensing costs. Additionally, the fee will be posted at the Iowa Medicaid Enterprise (IME) Web site (www.ime.state.ia.us) under IME Provider Fee Schedules.

The description of the pharmacies surveyed is clarified by replacing the phrase "Iowa Medicaid retail pharmacy providers" with "Iowa Medicaid participating pharmacy providers." The phrase "retail pharmacy providers" may be confused with "retail community pharmacies," which are surveyed by the federal Centers for Medicare and Medicaid Services to determine the National Average Drug Acquisition Cost (NADAC), and which may not include specialty pharmacies and "closed door" pharmacies that provide drugs only for nursing facility residents. For purposes of the dispensing fee, the Iowa Medicaid program surveys all pharmacies participating in the Iowa Medicaid program as providers, in compliance with legislative requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1391C** on April 2, 2014. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on May 14, 2014.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4.

These amendments will become effective August 1, 2014.

The following amendments are adopted.

ITEM 1. Rescind and reserve paragraph **79.1(8)"i."**

ITEM 2. Rescind paragraph **79.1(8)"j"** and adopt the following **new** paragraph in lieu thereof:

j. The professional dispensing fee shall be a fee schedule amount determined by the department based on a survey of Iowa Medicaid participating pharmacy providers' costs of dispensing drugs to Medicaid beneficiaries conducted every two years beginning in SFY 2014-2015.

[Filed 5/14/14, effective 8/1/14]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/11/14.